

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

IN RE:
RICHARD A GRAY
Debtor

BCN#: 19-16819

Chapter: 7

WELLS FARGO BANK, NATIONAL
ASSOCIATION, AS TRUSTEE FOR
SECURITIZED ASSET BACKED
RECEIVABLES LLC 2005-FR5
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-FR5
and its assignees and/or
successors in interest,
Movant/Secured Creditor,

**MOTION FOR ORDER GRANTING RELIEF
FROM AUTOMATIC STAY**

v.
RICHARD A GRAY
Debtor
and
Steven H Greenfeld, Cohen, Baldinger &
Greenfeld, LLC
Trustee
Respondents

COMES NOW, WELLS FARGO BANK, NATIONAL ASSOCIATION, AS
TRUSTEE FOR Securitized Asset Backed Receivables LLC 2005-FR5 Mortgage Pass-
Through Certificates, Series 2005-FR5, its assignees and/or successors in interest,
(Movant herein), by Counsel, alleges as follows:

1. This Court has Jurisdiction over this proceeding pursuant to 28 U.S.C. Sections 157 and 1334 and 11 U.S.C. 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001-1(a), and that this matter is a core proceeding.
2. The above named Debtor(s) filed a Chapter 7 Petition in Bankruptcy with this Court on May 20, 2019.
3. The Movant is the current payee of a promissory note secured by a Deed of Trust upon a parcel of real property with the address of 9999 Sylvan Turn, Newburg,

MD 20664 and more particularly described in the Deed of Trust dated June 14, 2005 and recorded at Book 05306 at Page 0159, among the land records of the County of Charles, Maryland:

Lot Numbered Four (4), in Block lettered "V", Plat Numbered One (1), in the subdivision known as "CLIFFTON ON THE POTOMAC", as per plat thereof recorded in Plat Book PCM 11, Plat No. 39, among the Land Records of Charles County, Maryland; being in the 5th Election District of said county. BEING the same land obtained by the within borrowers by Deed of even date herein, to be recorded immediately prior hereto.

Copies of the Deed of Trust and Note are attached hereto, marked as exhibits B & A and made a part hereof by reference.

4. This Movant is informed and believes, and based upon such information and belief, alleges that title to the subject Property is currently vested in the name of the Debtor(s).

5. The Debtor intends to surrender the subject property according to the Statement of intent filed with this Court on May 20, 2019.

6. As of May 22, 2019, the estimated outstanding obligations are:

Unpaid Principal Balance	\$ 273,701.87
Unpaid, Accrued Interest	\$ 152,591.83
Uncollected Late Charges	\$ 0.00
Mortgage Insurance Premiums	\$ 0.00
Taxes and Insurance Payments on behalf of Debtor	\$ 52,523.08
Other Costs	\$ 7,736.12
Less: Partial Payments	(\$ 0.00)
Minimum Outstanding Obligations	\$ 486,552.90

7. The Debtor is in default with regard to payments which have become due under the terms of the aforementioned note and Deed of Trust.

As of May 22, 2019, the Debtor is due for:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Missed Payments
34	October 1, 2011	July 1, 2014	\$2,514.97	\$85,508.98
6	August 1, 2014	January 1, 2015	\$2,695.97	\$16,175.82
18	February 1, 2015	July 1, 2016	\$2,506.62	\$45,119.16
6	August 1, 2016	January 1, 2017	\$2,528.46	\$15,170.76
6	February 1, 2017	July 1, 2017	\$2,582.50	\$15,495.00
6	August 1, 2017	January 1, 2018	\$2,600.30	\$15,601.80
6	February 1, 2018	July 1, 2018	\$2,635.43	\$15,812.58
6	August 1, 2018	January 1, 2019	\$2,758.01	\$16,548.06
4	February 1, 2019	May 1, 2019	\$2,810.46	\$11,241.84
Atty Fees and Costs:				\$931.00
Total Payments:				<u>\$237,605.00</u>

8. The Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Deed of Trust, but is prevented by the Automatic Stay from going forward with these proceedings.

9. This Movant is informed and believes, and based upon such information and belief, alleges that absent this Court's Order allowing this Movant to proceed with the pending foreclosure, Movant's security will be significantly jeopardized and/or destroyed.

10. Steven H Greenfeld, Cohen, Baldinger & Greenfeld, LLC, has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.

11. This Movant is informed and believes and, based upon such information and belief, alleges that the Debtor has little or no equity in the property.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay, and for such other relief as the Court deem proper.

Dated: May 31, 2019

SHAPIRO & BROWN, LLP
Attorneys for Movant

By: /s/ Malcolm B. Savage, III
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Certificate of Service

I hereby certify that on the 21st day of May, 2019, the following person(s) were served a copy of the foregoing Motion in the manner described below:

Via CM/ECF Electronic Notice:

Tommy Andrews, Jr.
Tommy Andrews, Jr. P.C.
122 N. Alfred St.
Alexandria, VA 22314

Debtor's Attorney

Steven H Greenfeld
Cohen, Baldinger & Greenfeld, LLC
2600 Tower Oaks Blvd
Suite 103
Rockville, MD 20852

Trustee

Via First Class Mail, Postage Prepaid:

Richard A Gray
9999 Sylvan Turn
Newburg, MD 20664

Debtor

/s/ Malcolm B. Savage, III
William M. Savage, Esquire
Kristine D. Brown, Esquire
Thomas J. Gartner, Esquire
Gregory N. Britto, Esquire
Renee Dyson, Esquire
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